

# CASE SUMMARY

## *Land Development Code Amendment*

<b>Meeting:</b>	City Council, July 11, 2006
<b>Case No:</b>	LDC-19-606
<b>Proposal:</b>	To amend Land Development Code, Article 12, Sign Regulations, Section 18-575, Signs Permitted in the Central Business District (CBD) and the Main Street Mixed Use District (MSMU), to allow display of sandwich board signs during business operational hours
<b>Staff Recommendation:</b>	<b>APPROVAL</b>
<b>Presented By:</b>	Christine Laughlin, Senior Planner

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### **GENERAL INFORMATION**

**Applicant:** City of Wilmington

**Purpose:** To allow the display of sandwich board signs during business operational hours in the Central Business District (CBD) and the Main Street Mixed Use District (MSMU)

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### **BACKGROUND**

In the spring of 2003, the Public Space Task Force was formed to identify ways to encourage a vibrant downtown, to control and regulate use of public spaces in the CBD, and to provide for the safety of citizens visiting and working in downtown. One of the issues reviewed by the Task Force is sandwich board sign time-of-day ordinance requirements, and the logistics of code enforcement. The proposed amendment would revise the regulations for sandwich board signs in the CBD, and in the MSMU district, to better address these issues.

Sandwich board signs are permitted in the CBD and the Main MSMU district. The code permits these signs to be displayed only during daylight hours, requiring that they be removed each evening by 5:30 p.m. October 1 through March 30, and by 7:00 p.m. April 1 through September 30.

Many businesses, vendors, and tour operators within the CBD and MSMU districts operate beyond the hours established for the display of sandwich board signs. Under the existing regulations, tour operators are unable to advertise during the evening when they are conducting tours. Similarly, storefront businesses that are open during the evening hours are currently unable to advertise with sandwich board signs. The proposed amendment would allow sandwich board signs to be displayed during operational business hours, including evening hours, and would require the business hours of operation to be posted on the inside surface of sandwich board signs.

## ***JUSTIFICATION***

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### ***Wilmington Vision 2020: A Waterfront Downtown***

**Strategy 8:** Improve the regulatory environment to provide clear and appropriate expectations that will guide development downtown.

**Applicability** –. Allowing businesses, vendors, and tour operators to promote their business with sandwich board signs during evening hours will contribute to desirable street activity while maintaining safe and clear passage for pedestrians. Requiring the hours of business operation to be posted on the inside surface of sandwich board signs will facilitate enforcement.

## ***PROPOSED AMENDMENT***

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Additions are underlined and deletions are in ~~striketrough~~.

Article 12. Sign Regulations, Sec. 18-575. Central Business District (CBD) and the Main Street Mixed Use District (MSMU).

(f) Any premises or principal building may place sandwich board signs on the City sidewalk subject to the following restrictions:

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(3) *Display hours.* Sandwich board signs shall be displayed only during operational hours of the business being advertised and shall not be lighted. ~~and are for display during daylight hours only. These signs must be removed each evening by 5:30 p.m. October 1 through March 30, and by 7:00 p.m. April 1 through September 30. These signs must be removed each day at the~~ close of business. The hours of business operation shall be indicated on the inside surface of the sign board.

## ***RECOMMENDATION***

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Allowing sandwich board signs to be displayed during business hours of operation, including evening hours, would benefit businesses, patrons, and pedestrians. Therefore, staff recommends **approval** of this request.

## ***NEIGHBORHOOD CONTACT***

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### **City Notifications:**

Signs Posted  
Adjacent Letters  
Advertisement Dates

### **Planning Commission**

N/A  
N/A  
6/2/06

### **City Council**

N/A  
N/A  
6/30/06 & 7/07/06

### **General Inquiries:**

John and Kim Hirschak

### ***ACTIONS TO DATE***

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**Planning Commission:** 6/07/06 – Approval 6-0

**Information from the June 7, 2006 Planning Commission meeting:** No one elected to speak in favor of or in opposition to this request. The Planning Commission voted 6-0 to recommend approval of this amendment.

**City Council:** Scheduled for public hearing 7/11/06

### ***ATTACHMENT***

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1. Section 18-575 (f) (3), Sandwich board signs
2. June 7, 2006 Planning Commission Meeting Minutes
3. Ordinance

**Sec. 18-575. Signs permitted in the Central Business District (CBD) and the Main Street Mixed Use (MSMU) District**

The following signs are permitted in the MSMU and in that portion of the CBD that is outside of the CBD-HDO, except sandwich board signs which are allowed in the CBD-HDO:

- (a) External illumination, if used, shall not be blinking, fluctuating or moving. Light rays shall shine only upon the property within the premises and shall not spill over the property lines in any direction, except by indirect reflection.
- (b) Any premises or principal building may erect one (1) real estate or construction sign advertising specific property for sale, rent, lease, development or construction, located on the premises, provided:
  - (1) Sale, rent or lease (real estate) signs shall not exceed six (6) square feet in area.
  - (2) Development or construction signs shall not exceed thirty-five (35) square feet in area.
- (c) Any premises may display one (1) on-premises freestanding signs subject to the following restrictions:
  - (1) *Area.* Freestanding signs shall not exceed thirty-five (35) square feet in area except on Third and Market Streets (outside of the HD-O only) where the freestanding signs shall not exceed sixty-five (65) square feet in area.
  - (2) *Height.* No freestanding sign shall exceed ten (10) feet in height except signs located on Third Street and Market Street, which shall not exceed twenty (20) feet in height. The use of monument signs shall be encouraged.
- (d) Any principal building may display attached signs subject to the following restrictions:
  - (1) One attached sign per each frontage shall be permitted.
  - (2) Any principal building may display on-premises attached signs provided:
    - a. Such sign is mounted parallel to the building to which it is attached and projects no more than eighteen (18) inches from that building.
    - b. Such signs shall not extend beyond the roofline of the building to which it is attached.
    - c. The combined total area of such signs shall not exceed twenty (20) percent of the total area of the wall to which the sign is attached, not to exceed two hundred (200) square feet in total area.

- (3) Attached signs may be displayed on the side or rear of a building adjacent to an off-street parking area if the off-street parking area is thirty-three (33) feet or more in width. Such signs shall be subject to the same regulations as attached signs on the street side of the building. However, the side or rear of the building adjacent to the off-street parking area shall not be included when calculating the area allowable to attached signs on the street side.

(e) Any principal building may display one (1) projecting sign subject to the following restrictions:

- (1) There is no detached sign on the premises.
- (2) Such sign may project horizontally a maximum of six (6) feet, but shall be setback at least two (2) feet from the back face of the curb or outer edge of the pavement where there is no curb. Setback distances for projecting signs which front on state roads must be approved by the North Carolina Department of Transportation.
- (3) Such signs shall be erected at a height of not less than nine (9) feet above the sidewalk or other pedestrian passageway.
- (4) Such sign shall not exceed beyond the roof line of the building to which it is attached.
- (5) Such sign shall not exceed fifteen (15) square feet in area.

\* (f) Any premises or principal building may place sandwich board signs on the City sidewalk subject to the following restrictions:

- (1) *Number of signs.* Any premises, including those containing multiple businesses, may place only one (1) sandwich board sign per street frontage.
- (2) *Area and height.* Any sandwich board sign shall not exceed eight (8) square feet per side in area. In addition, the width of the sign may not exceed two (2) linear feet, with a maximum height of four (4) feet. Within these specified maximum dimensions, creative shapes that reflect the ~~type of~~ theme of the business being advertised are encouraged (i.e. ice cream shop may display a sign in the shape of an ice cream cone).

- \* (3) *Display hours.* Sandwich board signs shall not be lighted and are for display during daylight hours only. These signs must be removed each evening by 5:30 p.m. October 1 through March 30, and by 7:00 p.m. April 1 through September 30.
- (4) *Location.* Sandwich board signs may be placed on the sidewalk directly in front of the associated use. Along streets with no parallel parking, sandwich board signs

shall be placed on the sidewalk within four (4) feet of the curb. Along streets with parallel parking, a two (2) foot step-out zone shall be provided, and sandwich board signs shall be placed on the sidewalk at least two (2) feet from the curb but not more than four (4) feet from the curb. The location of ~~may~~ any sandwich board sign shall be at least twenty (20) feet from any intersection and at least five (5) feet from any crosswalk or fire hydrant. No sandwich board sign may be placed where the unobstructed space for the passageway of pedestrians is reduced to less than four (4) feet. Trees, poles, signs, hydrants, trash receptacles, tree grates, etc. are all considered obstructions.

- (5) *Materials, appearance.* The sign must be constructed of materials that present a finished appearance. Rough cut plywood is not acceptable. The sign lettering should be professionally painted or applied; a "yard sale" or "graffiti" look with hand painted or paint-stenciled letters is not acceptable, however, chalkboard signs shall be permitted. The written message of the sign should be kept to the minimum necessary to communicate the name of a business or a special message of the business.
- (6) *Indemnification.* Any person erecting a sandwich board sign shall indemnify and hold harmless the City and its officers, agents, and employees from any claim arising out of the presence of the sign on City property or rights-of-way. The person erecting a sandwich board sign shall sign an indemnification agreement, approved by the city attorney, prior to the issuance of a sign permit. The indemnification agreement shall be accompanied by evidence of insurance covering the liability assumed in this subsection and the agreement.
- (7) *Determination by City Manager.* Questions as to placement of sandwich boards shall be determined by the City Manager, and may be appealed as provided in Article 2, Division II of this Chapter.

(g) Off-premises sandwich board signs shall be permitted within Riverfront Park, as identified in Section 7-38 of the City Code, subject to the following restrictions:

- (1) *Number of signs.* Only one (1) permit for an off-premises sandwich board sign will be issued for any vendor/tour operator in the Riverfront Park area. A gross total of eight (8) sandwich board signs may be permitted in the park at any given time. Placement of a sandwich board sign in this area will preclude the use of any kiosk for advertisement by the same vendor/tour operator.
- (2) *Location.* Permits issued for any such advertising signs will indicate the approved size and location of the sign. Signs shall not impede pedestrian or vehicular traffic in any way.
- (3) *Area and height, display hours, materials, appearance, indemnification, and determination by City Manager.* Any off-premises sandwich board sign placed in

the Riverfront Park area is subject to the sandwich board sign regulations outlined in Section 18-575(f).

**8. Land Development Code Amendment – Amend Article 12, Sign Regulations, Sec. 18-575, Central Business District (CBD) and the Main Street Mixed Use District (MSMU) to allow display of sandwich board signs during business operational hours. Mark Zeigler, Associate Planner. (LDC-19-606)**

Mr. Mark Zeigler, Associate Planner, reviewed the Case Summary. The entire Case Summary is on file in the City's Planning Division and is made a part of this record.

The proposed amendment is as follows with additions underlined and deletions in ~~striketrough~~.

"Article 12. Sign Regulations, Sec. 18-575. Central Business District (CBD) and the Main Street Mixed Use District (MSMU).

(f) Any premises or principal building may place sandwich board signs on the City sidewalk subject to the following restrictions:

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(3) *Display hours.* Sandwich board signs shall be displayed only during operational hours of the business being advertised and shall not be lighted. and are for display during daylight hours only. These signs must be removed each evening by 5:30 p.m. October 1 through March 30, and by 7:00 p.m. April 1 through September 30. These signs must be removed each day at the close of business. The hours of business operation shall be indicated on the inside surface of the sign board."

Allowing sandwich board signs to be displayed during business hours of operation, including evening hours, would benefit businesses, patrons and pedestrians. Therefore, staff recommended approval of this request.

No one spoke for or against this proposal and the public hearing was closed.

Mr. Dull moved approval as recommended by staff. It was seconded by Ms. Mapson and carried 6-0.



# Ordinance



City Council  
City of Wilmington  
North Carolina

**Introduced By:** Sterling B. Cheatham, City Manager

**Date:** 07/11/2006

## **Ordinance Amending the Land Development Code (LDC-19-606)**

### **LEGISLATIVE INTENT/PURPOSE:**

WHEREAS, NCGS Section 160A-385 authorizes local governments to amend ordinances regulating land use within their jurisdiction; and

WHEREAS, the amendment set out below is made in accordance with NCGS Section 160A-364 and Article 3, Section 18-117 of the Land Development Code; and

WHEREAS, the amendment set out below is intended to promote the public health, safety and welfare by amending the Land Development Code to address the display of sandwich board signs.

### **THEREFORE, BE IT ORDAINED:**

SECTION 1: Section 18-575(f)(3) of the Wilmington City Code is hereby amended to read as follows:

"(3) *Display hours.* Sandwich board signs shall be displayed only during operational hours of the business being advertised and shall not be lighted. These signs must be removed each day at the close of business. The hours of business operation shall be indicated on the inside surface of the sign board."

SECTION 2: That any person violating the provisions of this ordinance shall be subject to the penalties set forth in Article XIV, Section 18-52 of the Land Development Code.

SECTION 3: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 4: That if any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5: That this ordinance shall be effective immediately upon its adoption.

\_\_\_\_\_  
Bill Saffo, Mayor

Adopted at a \_\_\_\_\_ meeting  
on \_\_\_\_\_, 2006.

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney